

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHNNIE BANKS,

Plaintiff,

V.

DISTRICT COURT,

Defendant.

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Case No. 7:22CV00712

OPINION

JUDGE JAMES P. JONES

Johnnie Banks, Pro Se Plaintiff.

The plaintiff, Johnnie Banks, proceeding pro se, filed this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). By order entered December 12, 2022, the court directed plaintiff to submit within 20 days from the date of the order a statement of assets form, an inmate account form, and a certified copy of plaintiff's trust fund account statement for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which plaintiff is or was confined during that six-month period. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, I will dismiss the action without prejudice and

strike the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

In this case, plaintiff also filed motions seeking immediate court intervention, a form of relief only permitted in extraordinary cases and only when the litigant has agreed to pay filing costs. Plaintiff has not met these requirements. Thus, I must dismiss these motions without prejudice because the case is closing. But plaintiff is advised that the court has forwarded two of the motions, ECF Nos. 5 and 6, to the Office of the United States Attorney in Abingdon for possible investigation by law enforcement.

An appropriate Order will issue herewith.

DATED: January 19, 2023

/s/ JAMES P. JONES
Senior United States District Judge